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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

Plaintiff,

vs.

DAVID HOWARD BABIT

Defendant.

Case No.: 2:17-mj-01174-EJY

**ORDER CONTINUING PRELIMINARY
HEARING**

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court hereby finds that:

1. This is the tenth request for continuance.
2. Defense Counsel needs additional time to conduct investigation into various matters, including prior criminal history, to properly advise the defendant.
3. The parties agree to the continuance.
4. Defendant is incarcerated but does not object to the continuance.
5. Denial of this request for continuance of the Preliminary Hearing would prejudice the defendant and the Government, and unnecessarily consume this Court's valuable resources, taking into account the exercise of due diligence.
6. Additionally, denial of this request for continuance could result in a miscarriage of justice.
7. For the above stated reasons, the parties agree that a continuance of the Preliminary Hearing would best serve the ends of justice in this case.

CONCLUSIONS OF LAW

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections § 3161(h)(7)(B)(i) and (iv).

ORDER

IT IS HEREBY ORDERED that the Preliminary Hearing in the above-captioned matter currently scheduled for November 25, 2019, be vacated and continued to the 24th day of March, 2020 at 4:00 p.m. in Courtroom 3C.

DATED this 25th day of November, 2019.


UNITED STATES MAGISTRATE JUDGE

Respectfully Submitted By:

/s/ Joshua Tomsheck
Joshua Tomsheck, Esq.
Nevada Bar No. 009210
Attorney for Defendant